

ORIGINAL

FILED

August 16 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA
SUPREME COURT CASE NO. DA 10-0227

Robert Cameron
Gough, Shanahan, Johnson & Waterman, PLLP
33 South Last Chance Gulch
P. O. Box 1715
Helena, MT 59624-1715
Telephone: (406) 442-8560
Facsimile (406) 442-8783
Attorneys for Appellant

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AUG 16 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE MATTER OF THE GUARDIANSHIP AND CONSERVATORSHIP

OF

M.C.R., AN INCAPACITATED ADULT,

SHELLY A. LAINE,
PETITIONER AND APPELLEE,

AND LAURINE MARCINKOWSKI,
AN INTERESTED PERSON AND APPELLANT

**APPELLANT'S AMENDED UNCONTESTED RULE 26(2) MOTION
FOR 60-DAY EXTENSION OF TIME TO FILE BRIEF OF THE
APPELLANT**

Appellant Laurine Marcinkowski ("Appellant") moves the Court, pursuant to Rule 26(2) of the Montana Rules of Appellate Procedure, for a 60-day extension of time in which to file its Brief of the Appellant. Appellant's Brief is currently due to be served and filed August 16, 2010. The 60-day extension requested herein would provide for a due date of October 15, 2010.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Appellant's Amended Uncontested Rule 26(2) Motion for 60-Day Extension of Time to File Brief of the Appellant* was mailed, postage fully prepaid thereon at Helena, Montana, on the 16th day of August, 2010, to:

James P. Reynolds
Reynolds, Motl and Sherwood, P.L.L.P.
401 North Last Chance Gulch
Helena, MT 59601

Kristina Neal
Assistant Public Defender
Region 4
P.O. Box 200145
Helena, MT 59620

Dated this 16th day of August, 2010:


Gretchen Rangitsch

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AFFIDAVIT OF ROBERT CAMERON

State of Montana)
 : ss
County of Lewis & Clark)

I, Robert Cameron, being first duly sworn, depose and state under oath and penalty of perjury, as follows:

1. I am over 18 years of age, have first-hand knowledge of the facts set forth below, and am competent to testify regarding such matters.

2. I serve as counsel of record Appellant Laurine Marcinkowski and have been actively involved in all facets of this judicial review proceeding.

3. Appellant Laurine Marcinkowski has moved for an extension of time to file her opening brief.

4. The opening brief was originally due July 16, 2010, and is currently due August 16, 2010.

5. I have exercised diligence and will continue to exercise diligence on appeal. However, I have a substantial need for the extension based on two grounds.

a. My father suffered from a terminal illness and passed away in Ohio in May. I spent much of April and May in Ohio with my mother and father, and in arranging the funeral services; and much of June in assisting my mother with the practical and emotional aftermath. My full-time litigation schedule ground to a virtual standstill. Despite my exercise of considerable diligence, a backlog of work exists. In my opinion, little or no prejudice will result from a delay in resolution of this case, in contrast to other pending matters (e.g., custody cases involving the best interests of children).

b. The second ground involves extraordinary personal demands on the Appellant, whose active participation is essential in properly presenting

this appeal. The Appellant's current personal circumstances have prohibited her from dedicating the necessary time to review the voluminous record.

6. Thus, the Appellant has demonstrated both diligence and substantial need.

7. Consequently, I believe that to give all the attention due to this appeal, we must respectfully request this extension of time until November 15, 2010. If granted, we will file the opening brief within the time requested.

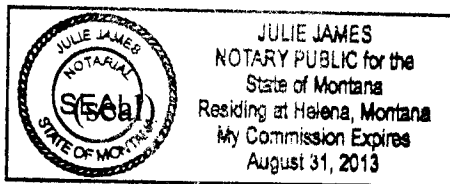
8. Counsel for all parties have been contacted and do not object to this extension.


Dated this 9th day of August, 2010.



Robert Cameron

Subscribed and sworn to before me this 9th day of August, 2010.




Printed Name: _____
Notary Public for the State of Montana
Residing at _____
My commission expires _____

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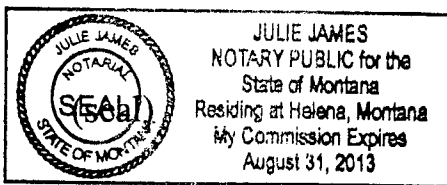
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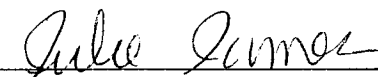
Dated this 9th day of August, 2010.



Robert Cameron

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Helena, MT 59620

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Gretchen Rangitsch

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